

PREFACE

Terms of reference

On 13 February 2008, a resolution of the Senate allocated the following portfolios to the Senate Standing Committee on Legal and Constitutional Affairs:

- Attorney-General's portfolio; and
- Immigration and Citizenship portfolio.

This report was prepared pursuant to Standing Order 25(20) relating to the consideration of annual reports by committees. The Standing Order states:

Annual reports of departments and agencies shall stand referred to the committees in accordance with an allocation of departments and agencies in a resolution of the Senate. Each committee shall:

- (a) Examine each annual report referred to it and report to the Senate whether the report is apparently satisfactory;
- (b) Consider in more detail, and report to the Senate on, each annual report which is not apparently satisfactory, and on the other annual reports which it selects for more detailed consideration;
- (c) Investigate and report to the Senate on any lateness in the presentation of annual reports;
- (d) In considering an annual report, take into account any relevant remarks about the report made in debate in the Senate;
- (e) If the committee so determines, consider annual reports of departments and budget-related agencies in conjunction with examination of estimates;
- (f) Report on annual reports tabled by 31 October each year by the tenth sitting day of the following year, and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year;
- (g) Draw to the attention of the Senate any significant matters relating to the operations and performance of the bodies furnishing the annual reports; and
- (h) Report to the Senate each year whether there are any bodies which do not present annual reports to the Senate and which should present such reports.

Role of annual reports

Annual reports place a great deal of information about government departments and agencies on the public record. Accordingly, the tabling of annual reports is an important element of accountability to Parliament, as the information provided in annual reports assists in the effective examination of the performance of departments and agencies and the administration of government programs.

Timing of presentation of reports on annual reports

Standing Order 25(20)(f) requires that committees report on annual reports tabled by 31 October each year by the tenth sitting day of the following year and on annual reports tabled by 30 April each year by the tenth sitting day after 30 June of that year.

Under the guidelines issued by the Department of Prime Minister and Cabinet, the annual reports of departments and executive and prescribed agencies must be tabled by 31 October.¹ If a department is unable to meet this deadline, the secretary is to advise the responsible Minister of the reasons for the delay and the expected tabling date. The responsible Minister is to table this explanation in the Parliament on the next available sitting day.²

Orders made by the Minister under section 48 of the *Commonwealth Authorities and Companies Act 1997* set out guidelines for the annual reports of statutory bodies.

Guidelines for the annual reports of non-statutory bodies are set out in the Government Response to recommendations of the then Senate Standing Committee on Finance and Government Operations in its report entitled, *Reporting Requirements for the Annual Reports of Non-Statutory Bodies*. The response was incorporated into the Senate Hansard of 8 December 1987.³

'Apparently satisfactory'

Under the terms of Standing Order 25(20)(a), the committee is required to report to the Senate whether reports are 'apparently satisfactory'. In making this assessment, the committee considers such aspects as compliance with relevant reporting guidelines.

Timeliness

Under standing order 25(20)(c), the committee must also report to the Senate on any lateness in the presentation of annual reports. The *Public Service Act 1999* requires that reports be prepared in accordance with guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit. These guidelines state:

1 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, Canberra, 17 June 2009.

2 Department of the Prime Minister and Cabinet, *Guidelines for the Presentation of Government Documents to the Parliament*, Canberra, July 2008, p. 5.

3 *Official Senate Hansard*, 8 December 1987, pp 2643-45.

A copy of the annual report is to be presented to each House of the Parliament on or before 31 October in the year in which the report is given.⁴

A table listing the annual reports tabled (or presented to the President out of session) between 1 November 2008 and 30 April 2009 and which have been referred to the committee for examination in this report can be found at Appendix 1.

As noted in its first report for 2009, the committee was concerned by the number of agencies that were required to table reports by 31 October 2008 and failed to do so. The committee considers the timely tabling of annual reports an important element of accountability. Agencies are reminded that 'it remains the Government's policy that all annual reports should be tabled by 31 October'.⁵

Conclusion

The committee examined all of the annual reports submitted between 1 November 2008 and 30 April 2009 and found them to be of a satisfactory standard, adequately describing the functions, activities and financial positions of the department or agency. The committee therefore finds all submitted annual reports to be 'apparently satisfactory'.

4 Department of the Prime Minister and Cabinet, *Requirements for Annual Reports*, Canberra, 17 June 2009, paragraph no. 4.

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